

REMARKS

Claims 1-16 are now pending in the application. The Office Action indicates that Claims 7-11 have been withdrawn from consideration. New Claims 13-16 have been added herein. The Examiner is respectfully requested to consider the present application in view of the amendments and remarks contained herein.

RESTRICTION UNDER 35 U.S.C. § 121

The Examiner has required restriction under 35 U.S.C. § 121 to the following:

- I. Claims 1-6 and 12, drawn to a display element, classified in class 313, subclass 503.
- II. Claims 7-11, drawn to a [process for producing] display elements, classified in class 427, subclass 66.

Applicants respectfully traverse this restriction requirement.

Applicants respectfully submit that the claims of the two designated groups have not acquired a separate status in the art, notwithstanding possible different classifications which may be artificially assigned. Applicants note, for example, that original Claim 12 from Group I incorporates the Group II independent claim (i.e., Claim 7). As amended herein, this incorporation is also present in each of the Group I claims. Thus, the structure and the process Thus, art very relevant to the patentability of the Group I claims might very logically be found in the art class assigned by the Examiner to Group II. Likewise, art very relevant to the patentability of the Group II claims might easily be found in the classification assigned by the Examiner to the Group I claims. Furthermore, art relating to the patentability of both groups of claims might easily be

found within a number of additional art classifications.

In short, the classifications cited to support restriction are merely for cataloging purposes and are not conclusive of the propriety of restriction. It is submitted that the claims of the two groups designated by the Examiner are closely inter-related and in order to preserve unity of invention, both groups should be prosecuted in the same application. An important advantage in pursuing just one application is that the examination work of the Patent Office would thereby be simplified in as much as duplication of searching effort would be eliminated. Thus, restricting the application as suggested by the Examiner would increase searching effort rather than reduce it. Accordingly, search and examination can be made without serious burden, and, therefore, the Examiner must examine this application on the merits, even if the claims are independent and distinct (MPEP 803).

In view of the foregoing remarks, it is respectfully requested that the Examiner withdraw this requirement for restriction and allow the claims of Group I to be prosecuted in the same application as the claims of Group II. In the event that the Examiner's restriction requirement is made final, Applicants provisionally elect the claims of Group I (currently, Claims 1 - 6 and 13-16) for continued prosecution, holding the claims of Group II (Claims 7 - 11) in abeyance under the provisions of 37 CFR 1.142(b) until final disposition of the elected claims.

CLAIM OBJECTION UNDER 37 CFR 1.75(c)

Claim 12 stands objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Applicant has deleted Claim 12, thereby rendering this objection moot.

REJECTIONS UNDER 35 U.S.C. § 102 AND § 103

Claims 1, 2 and 4-6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Morii (U.S. Pat. No. 6,853,130). Claims 1 and 3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mishima et al. (U.S. Pat. No. 6,818,325). Claims 1 and 3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hashimoto et al. (U.S. Patent Application Publication 2001/0051487 A1). Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Kobayashi (U.S. Pat. No. 6,869,635). Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Hirano (WO 02/056641 A1). Claims 1, 2, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirano et al. (Japanese Patent Application Publication 2001-043980). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (WO 02/056641 A1) in view of Howard (U.S. Pat. No. 6,885,147). These rejections are respectfully traversed.

Claim 1 has been amended herein to incorporate the features of independent Claim 7. Applicants respectfully assert that the references cited in these rejections do not disclose or suggest the steps recited in Claim 1 and/or the structure of a display element resulting from the steps recited in Claim 1. Consequently, Applicants

respectfully assert that the invention as defined by Claim 1 is duly patentable over these prior art references. Since each of the remaining claims depend from Claim 1, Applicants respectfully assert that they are likewise patentable for at least the same reasons as Claim 1.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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